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Attorneys for Defendants  
CUPP CYBERSECURITY, LLC and  
CUPP COMPUTING AS

10 UNITED STATES DISTRICT COURT  
11 NORTHERN DISTRICT OF CALIFORNIA

13 SYMANTEC CORPORATION,

14 Plaintiff,

15 v.

16 CUPP CYBERSECURITY, LLC and  
17 CUPP COMPUTING AS,

18 Defendants.

Case No. 3:18-cv-04720-WHO

**STIPULATION OF DISMISSAL**

1 Pursuant to Federal Rule of Civil Procedure 41(a)(1)(A)(ii), by and through their  
2 respective undersigned counsel, Plaintiff Symantec Corporation (“Symantec”) and Defendants  
3 CUPP Cybersecurity, LLC and CUPP Computing AS (collectively, “CUPP”) (collectively, the  
4 “Parties”), hereby stipulate and agree as follows:

5 WHEREAS, on June 14, 2018, CUPP filed a Complaint for Patent Infringement in the  
6 Northern District of Texas (the “Texas Action”);

7 WHEREAS, on August 6, 2018, Symantec filed a motion to dismiss for improper venue  
8 (“Venue Motion”);

9 WHEREAS, on August 6, 2018, Symantec filed a Complaint for Declaratory Judgment in  
10 the above-captioned action alleging noninfringement of the same patents asserted by CUPP in the  
11 Texas Action (“Declaratory Judgment Complaint”);

12 WHEREAS, the District Court for the Northern District of Texas granted the Venue  
13 Motion and transferred the Texas Action to the Northern District of California;

14 WHEREAS, the parties agreed to an extension to September 28, 2018, Dkt. No. 11, a  
15 further extension to November 27, 2018, Dkt. No. 12, and a further extension to February 25,  
16 2019, Dkt. No. 13, for CUPP to respond to the Declaratory Judgment Complaint, pending a  
17 decision in the Texas Action;

18 WHEREAS, CUPP has not yet responded to the Declaratory Judgment Complaint; and

19 WHEREAS, the Court has yet to set a case management conference in this action;

20 WHEREAS, both the Texas Action and this action are now before this Court; and

21 WHEREAS, it is unnecessarily duplicative for both cases to proceed;

22 NOW, THEREFORE, pursuant to Federal Rule of Civil Procedure 41(a)(1)(A)(ii), the  
23 Parties hereby stipulate and agree that Symantec may voluntarily dismiss the Declaratory  
24 Judgment Complaint in this action without prejudice.

25 IT IS SO STIPULATED.  
26  
27  
28

1 Dated: February 21, 2019

By: /s/ Stefani E. Shanberg  
STEFANI E. SHANBERG

2  
3 Attorneys for Plaintiff  
SYMANTEC CORPORATION

4 Dated: February 21, 2019

By: /s/ Paul J. Andre  
PAUL J. ANDRE

6 Attorneys for Defendants  
7 CUPP CYBERSECURITY, LLC and  
CUPP COMPUTING AS

8  
9 **ATTESTATION CLAUSE**

10 I, Stefani E. Shanberg, am the ECF user whose identification and password are being used  
11 in this filing. In compliance with Civil Local Rule 5-1(i)(3), I hereby attest that Paul J. Andre of  
12 Kramer Levin Naftalis & Franken LLP has concurred in the filing of this document.

13 Dated: February 21, 2019

/s/ Stefani E. Shanberg  
STEFANI E. SHANBERG